

AMENDED IN SENATE APRIL 12, 2004

**SENATE BILL**

**No. 1642**

**Introduced by Senator Romero**

February 20, 2004

---

An act *to amend Sections 706.6 and 11404 of, and to add Section 1775 to, the Welfare and Institutions Code*, relating to the Department of the Youth Authority.

LEGISLATIVE COUNSEL'S DIGEST

SB 1642, as amended, Romero. Department of the Youth Authority: education.

Existing law provides that certain minors who have been adjudged to be wards of the juvenile court may be committed to the Department of the Youth Authority.

This bill would ~~express the intent of the Legislature to enact legislation stating that it is the policy of this state to ensure that every ward of the juvenile court who is committed to the Department of the Youth Authority and is of high schoolage actively pursues an education that will result in the award of a high school diploma~~ *require the Department of the Youth Authority to develop an aftercare program for wards to be known as the Transitional Treatment and Reintegration Placement program, as specified. The bill would include a statement of findings and declarations regarding aftercare programs and would make related changes.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

~~SECTION 1. It is the intent of the Legislature to enact~~

SECTION 1. *The Legislature hereby finds and declares the following:*

(a) *Institutionalized juvenile offenders who receive effective postcustodial supervision are more likely to succeed when they are released from custody. These “aftercare” programs for youthful offenders transitioning out of custody prepare them for successful reentry into the community. According to the federal Office of Juvenile Justice and Delinquency Prevention, “one of the most critical moments (for juvenile offenders is) when they return from placement and attempt to reintegrate into their homes and communities. Often, juveniles who benefit from a controlled, structured environment have difficulties applying their newly acquired skills and conflict resolution techniques to real-life situations. Aftercare programs provide an extended period of supervision, surveillance, and service delivery to assist youth during this transitional period with the goal of preventing and reducing recidivism.*

(b) *Research indicates that best practices in correctional aftercare for youthful offenders include three distinct components: prerelease planning while a young offender is still in custody; structured transition that involves both custodial and parole/aftercare staff prior to and following reintegration into the community; and long-term reintegration measures that ensure adequate follow-through and the necessary level of social control.*

(c) *Correctional aftercare programs implemented throughout the nation have demonstrated effectiveness in reducing recidivism, increasing education levels, and promoting the successful community reintegration of youthful offenders.*

(d) *Aftercare programs can maximize the availability of federal Title IV-E (Foster Care) and Title XIX (Medicaid) funds for juvenile dependents.*

(e) *Nearly all Youth Authority wards return to their homes and communities at the end of their time in custody. There are approximately 4,100 Youth Authority parolees in the state. Each year about 2,500 wards are released on parole. Providing these wards with effective postcustodial supervision and support during parole will reduce the likelihood of recidivism among Youth*

1 *Authority parolees, and will increase the likelihood that they will*  
2 *succeed in the long term as law-abiding citizens.*

3 *(f) Establishing comprehensive correctional aftercare*  
4 *approaches for Youth Authority wards which promote best*  
5 *practices in transition and community aftercare services is*  
6 *essential to the rehabilitative mission of the Youth Authority and*  
7 *improving long-term public safety.*

8 *SEC. 2. Section 1775 is added to the Welfare and Institutions*  
9 *Code, to read:*

10 *1775. (a) The Department of the Youth Authority shall*  
11 *develop the Transitional Treatment and Reintegration Placement*  
12 *(TTRP) program for the purpose of providing aftercare services to*  
13 *all wards. The TTRP program shall meet the specific needs of*  
14 *wards including drug treatment, mental health services,*  
15 *education, vocational training, community service, and*  
16 *restitution. To the extent allowable, the placement of wards in the*  
17 *TTRP program shall maximize the use of federal funds. The TTRP*  
18 *program shall consist of initial and ongoing assessments,*  
19 *treatment planning and services, and aftercare implementation, as*  
20 *follows:*

21 *(1) An initial assessment of a minor's eligibility for services*  
22 *reimbursable under Title IV-E of the federal Social Security Act.*

23 *(2) Treatment planning, beginning with the committing court at*  
24 *the time of initial disposition and continuing through Youth*  
25 *Authority custody and postcustody supervision.*

26 *(3) Collaboration between the Youth Authority and public and*  
27 *private agencies in order to provide transitional treatment services*  
28 *during and after institutional custody. These service*  
29 *collaborations shall include drug treatment, mental health*  
30 *services, education, vocational training, community service, and*  
31 *restitution.*

32 *(4) Service providers, the court, probation, and wards' families*  
33 *shall contribute to ongoing Youth Authority assessments of wards.*

34 *(5) The Youth Authority Board shall make aftercare placement*  
35 *recommendations to the committing court.*

36 *(6) Unless the Youth Authority Board determines that*  
37 *placement is contrary to the best interests of the ward or*  
38 *jeopardizes public safety, the ward shall be placed in a TTRP*  
39 *program 180 days prior to his or her release from the custody of*  
40 *the Youth Authority.*

1 (7) TTRP programs shall be public or private, unlocked,  
2 staff-secure camps, group homes, or any other appropriate  
3 placement option consistent with the ward's individual TTRP plan.

4 (b) The Youth Authority shall develop procedures and  
5 promulgate regulations to implement the TTRP program no later  
6 than July 1, 2005.

7 (c) Judicial Council is encouraged to participate in informing  
8 the juvenile court bench about the TTRP program, including, but  
9 not limited to, the following:

10 (1) Inform judges of the availability and value of the TTRP  
11 program.

12 (2) Inform judges of the judicial orders required in order for a  
13 ward to be eligible for aftercare.

14 (3) Establish procedures for the ward to return to court with a  
15 petition for a change of placement into a TTRP.

16 (d) The State Department of Social Services shall establish  
17 policies and promulgate regulations that authorize the Youth  
18 Authority to collaborate with county probation and welfare  
19 departments in order to facilitate TTRP programs by doing all of  
20 the following:

21 (1) Develop a written agreement between county welfare  
22 departments and the Youth Authority that specifies the  
23 responsibilities of each of these entities. This agreement shall be  
24 based upon the "Written Agreement Between County Welfare  
25 Department and Probation Department" contained in the  
26 Department of Social Services Manual, Chapter 29, Section 405.

27 (2) Perform a Title IV-E eligibility assessment for all wards.

28 (3) Provide necessary services to wards.

29 (4) Submit a claim for federal Title IV-E reimbursements.

30 (e) The Youth Authority shall be responsible for paying all  
31 nonfederal expenses for transitional placements.

32 SEC. 3. Section 706.6 of the Welfare and Institutions Code is  
33 amended to read:

34 706.6. A case plan prepared as required by Section 706.5 shall  
35 be submitted to the court. It shall either be attached to the social  
36 study or incorporated as a separate section within the social study.  
37 The case plan shall include, but not be limited to, the following  
38 information:

39 (a) A description of the circumstances that resulted in the minor  
40 being placed under the supervision of the probation department

1 and in foster care, *or under the supervision of the Department of*  
2 *the Youth Authority and in a Transitional Treatment Reintegration*  
3 *Placement (TTRP).*

4 (b) An assessment of the minor's and family's strengths and  
5 needs and the type of placement best equipped to meet those needs.

6 (c) A description of the type of home-~~or~~, institution, *or TTRP*  
7 in which the minor is to be placed, including a discussion of the  
8 safety and appropriateness of the placement. An appropriate  
9 placement is a placement in the least restrictive, most family-like  
10 environment, in closest proximity to the minor's home, that meets  
11 the minor's best interests and special needs.

12 (d) Specific time-limited goals and related activities designed  
13 to enable the safe return of the minor to his or her home, or in the  
14 event that return to his or her home is not possible, activities  
15 designed to result in permanent placement or emancipation.  
16 Specific responsibility for carrying out the planned activities shall  
17 be assigned to one or more of the following:

18 (1) The probation department.

19 (2) *The Department of the Youth Authority or the Youth*  
20 *Authority Board, if the minor is placed in a TTRP.*

21 (3) The minor's parent or parents or legal guardian or  
22 guardians, as applicable.

23 ~~(3)~~

24 (4) The minor.

25 ~~(4)~~

26 (5) The foster parents or licensed agency providing foster care.

27 (e) The projected date of completion of the case plan objectives  
28 and the date services will be terminated.

29 (f) Scheduled visits between the minor and his or her family  
30 and an explanation if no visits are made.

31 (g) (1) When placement is made in a foster family home,  
32 group home, or other child care institution that is either a  
33 substantial distance from the home of the minor's parent or legal  
34 guardian or out-of-state, the case plan shall specify the reasons  
35 why the placement is the most appropriate and is in the best interest  
36 of the minor.

37 (2) When an out-of-state group home placement is  
38 recommended or made, the case plan shall comply with Section  
39 727.1 and Section 7911.1 of the Family Code. In addition,  
40 documentation of the recommendation of the multidisciplinary

1 team and the rationale for this particular placement shall be  
2 included. The case plan shall also address what in-state services or  
3 facilities were used or considered and why they were not  
4 recommended.

5 (h) If applicable, efforts to make it possible to place siblings  
6 together, unless it has been determined that placement together is  
7 not in the best interest of one or more siblings.

8 (i) A schedule of visits between the minor and the probation  
9 officer *or Youth Authority parole officer*, including a monthly  
10 visitation schedule for those children placed in group homes.

11 (j) Health and education information about the minor, school  
12 records, immunizations, known medical problems, and any known  
13 medications the minor may be taking, names and addresses of the  
14 minor's health and educational providers; the minor's grade level  
15 performance; assurances that the minor's placement in foster care  
16 takes into account proximity to the school in which the minor was  
17 enrolled at the time of placement; and other relevant health and  
18 educational information.

19 (k) When out-of-home services are used and the goal is  
20 reunification, the case plan shall describe the services that were  
21 provided to prevent removal of the minor from the home, those  
22 services to be provided to assist in reunification and the services  
23 to be provided concurrently to achieve legal permanency if efforts  
24 to reunify fail.

25 (l) The updated case plan prepared for a permanency planning  
26 hearing shall include a recommendation for a permanent plan for  
27 the minor. If, after considering reunification, adoptive placement,  
28 legal guardianship, or permanent placement with a fit and willing  
29 relative the probation officer *or Youth Authority parole officer*  
30 recommends placement in a planned permanent living  
31 arrangement, the case plan shall include documentation of a  
32 compelling reason or reasons why termination of parental rights  
33 is not in the minor's best interest. For purposes of this subdivision,  
34 a "compelling reason" shall have the same meaning as in  
35 subdivision (c) of Section 727.3.

36 (m) Each updated case plan shall include a description of the  
37 services that have been provided to the minor under the plan and  
38 an evaluation of the appropriateness and effectiveness of those  
39 services.

(n) A statement that the parent or legal guardian, and the minor have had an opportunity to participate in the development of the case plan, to review the case plan, to sign the case plan, and to receive a copy of the plan, or an explanation about why the parent, legal guardian, or minor was not able to participate or sign the case plan.

(o) For a minor in out-of-home care who is 16 years of age or older, a written description of the programs and services, which will help the minor prepare for the transition from foster care to independent living.

*SEC. 4. Section 11404 of the Welfare and Institutions Code is amended to read:*

11404. (a) Except as provided in Section 11405, a child is not eligible for AFDC-FC unless responsibility for placement and care of the child is with the county welfare department or Indian tribe that entered into an agreement pursuant to Section 10553.1, the county probation department which has an agreement with the county welfare department, *the Department of the Youth Authority which has an agreement with the county welfare department*, or a licensed public adoption agency, licensed private adoption agency or the department.

(b) In order for the child to be eligible for AFDC-FC, the agency with responsibility for the child's placement and care shall in accordance with departmental regulations:

(1) For children removed after October 1, 1983, document that it provided preplacement preventive services to the child prior to the child's placement in foster care, and document why provisions of these services were not successful in maintaining the child in his or her home, unless it is documented that these services were not provided due to:

(A) Either the voluntary relinquishment of the child by one or both parents or court action declaring a child free from the custody and control of one or both parents.

(B) The child's residence with a nonrelated legal guardian.

(2) Develop a written assessment of the reasons necessitating the child's placement in foster care and the treatment needs of the child while in foster care to be updated by the agency no less frequently than once every six months. Where the child is a parent who has a child living with him or her in the same eligible facility, the assessment shall also address the needs of his or her child.



- 1 (3) Develop a case plan for the child within 30 days of  
2 placement.
- 3 (4) Ensure that services are provided to return the child to his  
4 or her own home or establish an alternative permanent placement  
5 for the child if return home is not possible or is inappropriate.  
6 ~~legislation stating that it is the policy of this state to ensure that~~  
7 ~~every ward of the juvenile court who is committed to the~~  
8 ~~Department of the Youth Authority and is of high schoolage~~  
9 ~~actively pursues an education that will result in the award of a high~~  
10 ~~school diploma.~~

